



New Jersey Department of Children and Families Policy Manual

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Chapter:	C	Adoption	5-14-2012
Subchapter:	8	Adoption Subsidy	
Issuance:	200	Processing Adoption Subsidies	

Purpose

5-10-2010

This subsection presents Division policy and procedures on processing the adoption subsidy.

Authority

5-10-2010

N.J.S.A. 30:4C-46 et seq.

N.J.A.C. 3A:23-1, Adoption Subsidy

P.L. 96-272, Adoption Assistance and Child Welfare Act of 1980

P. L. 110-351, Fostering Connections to Success and Increasing Adoptions Act (FCSIAA) of 2008

Definitions

5-10-2010

A "**selected adoptive home**" is a resource home licensed specifically for the purpose of adoption.

Informing the Prospective Adoptive Parents

5-10-2010

Based on the principles of Concurrent Planning -- making every effort to assure that if a child is not able to be reunited with his or her biological family that he or she can be adopted by the family with whom he or she is placed -- it is essential that the likelihood of the child being subsidy eligible is shared with the resource parent when the child is placed in the home. Advise the prospective adoptive parents, in foster, relative, and select home placements, of the provisions of the Adoption Subsidy Program including State and Federal benefits.

Do not place a child who is not likely to be eligible for subsidy with a resource parent(s) who requires subsidy to be able to adopt.

Regarding Resource Home Adoptions

5-10-2010

In resource home adoptions, the Worker informs the resource parent about the Adoption Subsidy Program. Determine whether or not the child is eligible for an adoption subsidy. If the child is eligible, discuss:

- A proposed subsidy rate based on a current rate assessment (use CP&P Form [5-8](#), Resource Family Rate Assessment, to set the rate with the resource parent and the Rate Setting Window in NJS to prepare the rate setting contract);
- Eligibility for any special services. See [CP&P-IV-C-8-300](#), Services Provided Through Adoption Subsidy, and [CP&P-IV-C-8-400](#), Subsidy Rates for Children Requiring Increased Levels of Care;
- Non-recurring expenses and procedures for their reimbursement. Give the appropriate forms to the resource parent. See [CP&P-IV-C-8-300](#) Reimbursement for Non-recurring Adoption Expenses, and CP&P Form [14-209](#), Application for Reimbursement for Non-recurring Adoption Expenses in the Adoption of a Special Needs Child;
- Eligibility requirements for the Post Adoptive Child Care Program (PACC). If the child is of preschool age, give a copy of the PACC brochure to the resource parent, who signs a receipt upon receiving it. See [CP&P-IV-C-8-900](#), Post Adoption Child Care; and
- Other benefits and exemptions available to the child or adoptive family through New Jersey and Federal entitlement programs (e.g., Supplemental Security Income (SSI), Old Age, Survivors, and Disability Insurance (OASDI), and Federal income tax provisions, including the Federal adoption tax credit.

Submit a subsidy request packet to the Office of Adoption Operations with the appropriate forms and documentation for approval.

Regarding Selected Home Adoptions

5-10-2010

With a selected adoptive home the subsidy must be determined and approved before any arrangements for placement of the child are made. The Adoption Worker:

- Discusses the subsidy with the prospective adoptive family and a proposed subsidy rate based on a current rate assessment (see above discussion for rate setting procedure), and State and Federal benefits.

- Discusses eligibility for any special services, non-recurring expenses, the PACC program (provides required forms), and any other State or Federal benefits available, including the Federal adoption tax credit See below for details.
- Submits a subsidy request packet with the appropriate forms and documentation to the Office of Adoption Operations for approval.

Adoption Subsidy Rate Must Be Comparable to/Not Exceed Foster Care Board Rate 5-10-2010

The Worker must be prepared to explain and support the categories indicated on the rate assessment tool. A resource parent, on behalf of the child, may not receive more in subsidy than he or she was receiving in foster care board. This includes the specialized foster care board rate, as well as rates paid to treatment providers. This means that if the Rate Assessment Pre Adoption indicates a child is entitled to a higher rate, that rate must be reflected in the foster care board, or he or she will not be entitled to the higher rate in adoption subsidy.

Subsidy Payments Based on Written Agreement 5-10-2010

Adoption Assistance payments are only made pursuant to a written adoption assistance agreement between the Division and the adoptive parent(s), the CP&P Form [14-184](#), Initial Agreement Between the New Jersey Division of Child Protection and Permanency and Adoption Parents Regarding Subsidy Payments. The agreement is a legal document and documents the conditions of the subsidy. After the agreement is signed by the Assistant Director of the Office of Adoption Operations, or designee, and then the adoptive parent(s), the Division is bound by its contents. The agreement must be signed prior to the finalization of the adoption. It includes:

- The date on which the agreement is entered and the stipulation that the agreement remains in effect regardless of the adoptive parent's state of residence at any given time;
- The duration of the agreement;
- The first name and birth date of the child for whom the payment is to be made;
- Certification from the adoptive parent(s) for a child 6 years of age or older, that the child is a full time elementary or secondary school student, or incapable of attending school on a full time basis due to a documented medical condition;
- The condition(s) of the child which makes the child a special needs child (hard-to-place);
- The nature and amount of any payment or service(s) to be provided, including non-recurring adoption expenses which may be incurred;

- Whether or not the child is Title IV-E eligible;
- That the child is eligible for Title XIX Medicaid and Title XX social services;
- How the adoptive parent(s) shall notify the Division of changes in the needs of the child or circumstances of the adoptive family that would affect the eligibility for, or amount of, adoption subsidy;
- How adoptive parent(s) shall be notified of any changes in the amount of adoption subsidy and how they may request changes in the adoption assistance agreement;
- Provisions for the protection of the interest of the child in cases where the adoptive parent(s) and the child move to another state while the agreement is effective; and
- Such other provisions as the Division may require.

Note: The agreement must be typed and white-out cannot be used.

See N.J.A.C. 3A:23-1.3(f)1-12.

Subsidy Approval Required by Office of Adoption Operations 5-10-2010

All adoption subsidies must be approved by the Assistant Director of the Office of Adoption Operations, or his/her designee before the adopting family signs the subsidy agreement, CP&P Form [14-184](#).

Submitting Subsidy Request Packet to Office of Adoption Operations 5-10-2010

After considering the child's needs, determining that the adoptive child is eligible for a subsidy, and discussing the subsidy rate that will be requested with the adoptive family, submit a subsidy request packet to the Assistant Director, Office of Adoption Operations, CC# 966. The package must include the following documents:

- CP&P Form [14-220](#), Request for Adoption Subsidy Approval Memo Checklist;
- Copy of the current rate assessment, CP&P Form [5-8](#), Resource Family Rate Assessment;
- CP&P Form [14-219](#), Basis for Subsidy Eligibility, which documents the reasons a child is eligible for an adoption subsidy;

- CP&P Form [14-182](#), Application for Subsidized Adoption Payments, completed by the adoptive parents with assistance from the Worker;
- CP&P Form [14-183](#), Determination of Eligibility for Subsidy, which is used to approve or disapprove a subsidy;
- CP&P Form [14-184](#), Initial Agreement Between the New Jersey Division of Child Protection and Permanency and Adoption Parents Regarding Subsidy Payments, completed but unsigned by the adoptive parents; and
- The signed receipt for the Post Adoption Child Care (PACC) pamphlet, for children age 0 to 6.

See CP&P Form [14-220](#) for other forms and documentation that may need to be provided, depending on the circumstances of the case. See the lists of Relevant NJS Forms and Windows and Other Forms, below, related to adoption subsidy.

Submit the subsidy request packet to the Office of Adoption Operations for approval prior to the Pre-Consent interview. See Subsidy Payments Based on Written Agreement and Copies of the required documentation are left with the adoptive parents.

The Office of Adoption Operations reviews the subsidy request, renders a decision, and notifies the Worker within three business days. The Office of Adoption Operations also notifies the adoptive parent(s) of the approval or disapproval of the subsidy request. See Notifying Adoptive Parent of Status of Subsidy Application/Changes.

Adoptive Parent(s) Signs Subsidy Agreement at Pre-Consent Interview 5-10-2010

At the Pre-Consent interview have the adoptive parent(s) review the subsidy agreement, CP&P Form [14-184](#), and sign it, if he or she is in agreement with its conditions. Again discuss the non-recurring adoption expenses and the Post Adoptive Child Care (if the adoptive parent is adopting a pre-school child). Leave appropriate forms with the adoptive parents for their information and review.

Subsidy Agreement/Consent Package/Court Report 5-10-2010

- The assigned Worker submits the approved and signed subsidy agreement to the Local Office Manager with the CP&P Form [14-6](#), Consent of Guardian, or CP&P Form [14-149](#), Consent of Custodian to Adoption, in the Consent package.
- If the adoption is subsidized, include this information in the court report for the final adoption hearing to summarize the child's case, which is sent to the County Superior Court of New Jersey, Chancery Division - Family Part for the finalization of the child's adoption. This report is also sent to the family's attorney.

Child Found Not Eligible for Subsidy or Subsidy Amount Differs 5-10-2010

- If Local Office adoption staff determine a child to be non-subsidy eligible, send the adoptive parent's request for subsidy, CP&P Form [14-182](#), Application for Adoption Subsidy Payments, and determination of eligibility, CP&P Form [14-183](#), Determination of Eligibility for Subsidy, to the Office of Adoption Operations. Office of Adoption Operations staff review the request; and
- If the child is confirmed non-subsidy eligible, send the CP&P Form [14-222](#), Notification of Adoption Subsidy Request Not Approved, to the adoptive parent, with a copy to the child's Adoption Worker in the Local Office, notifying them:
 - Of the determination,
 - That the adoptive parent may reapply for subsidy at a later date, if the child's condition changes, and
 - That the adoptive parent has a right to request an administrative hearing, if he or she disagrees with the determination.
- See the CP&P Form [14-222](#).
- If there is a difference in the amount requested and the amount approved, notify the Local Office Adoption Worker and Supervisor, and request that they speak with the adoptive parent regarding the suggested amount, and/or provide additional documentation supporting the requested amount.
- If agreement cannot be reached, advise the adoptive parent in writing of his or her right to request an administrative hearing. See [CP&P-IV-C-8-700](#), Hearing Rights of Adoptive Parents Applying for/or Receiving Subsidy.

Notifying Adoptive Parent of Status of Subsidy Application/Changes 5-10-2010

The Office of Adoption Operations sends the following letters to the adoptive parent regarding the status of his or her application for an adoption subsidy:

If the subsidy is not approved:

- CP&P Form [14-222](#), Notification of Adoption Subsidy Request Not Approved.
- The CP&P Form [14-222](#) contains a notification of hearing rights for the adoptive parent if his or her application for a subsidy is not approved.

If the subsidy is approved, the adoptive parent receives copies or originals of:

- A congratulatory letter regarding subsidy;
- CP&P Form [14-184](#), Initial Agreement Between the New Jersey Division of Child Protection and Permanency and Adoption Parents Regarding Subsidy Payments; and
- CP&P Form [14-182](#), Application for Subsidized Adoption Payments.

Annual Notice for Subsidy

5-14-2012

Once a subsidy is granted, the Office of Adoption Operations sends an annual notice to each adoptive family regarding their legal responsibilities for their adopted child's adoption subsidy. By receipt of the letter, the adoptive family affirms that:

- The adopted child continues to be eligible to receive adoption subsidy by meeting all requirements, including:
 - The adopted child is under age 18;
 - They continue to have legal responsibility for financially supporting their adopted child;
 - They are providing financial support for their adopted child; and
 - The adopted child continues to attend school.
- They agree to immediately contact the Office of Adoption Operations should any of the above circumstances change.

Unless the adoptive parent(s) notifies the Division of any changes to his or her child's eligibility for adoption subsidy, the Division continues monthly subsidy payments.

See CP&P Form [14-188](#), Annual Notice Regarding Adoption Subsidy, and its instructions.

See [CP&P-IV-C-8-500](#), Processing Exception Involving School Attendance, and [CP&P-IV-C-8-500](#), Annual School Verification, for the review and approval process to continue an adoption subsidy when an adolescent turns age 18 and is attending secondary school (e.g., high school or its equivalent) or a special education program, and, for subsequent annual reviews until the adolescent completes school or turns age 21, whichever occurs first.

In order for CP&P to receive Federal financial reimbursement (FFP) for an adolescent age 18 to 21, the adopted adolescent must qualify for the Federal Title IV-E Adoption Assistance criteria designated for adolescents ages 18 to 21. See [CP&P-IV-F-1-300](#),

Eligibility Criteria for Title IV-E/AA, and [CP&P-IV-C-8-500](#) Federal Financial Participation.

Notification Regarding Termination

5-14-2012

If the subsidy is terminated during the term of the Agreement, the adoptive parent(s) is noticed upon receipt of the CP&P Form [14-227](#), Notification of the Termination of an Adoption Subsidy. The form lists the reasons for the action, contains a notification of hearing rights, and gives the names and telephone numbers of Division staff who may be contacted with questions about the action taken.

Relevant NJS Forms and Windows

5-10-2010

- Adoption IV-E Eligibility Window
- Adoption Planning Window
- Adoption Subsidy Agreement Window
- Case Plan Window
- Contact Activity Notes Window
- Eligibility Change Window
- Legal Action Window
- Legal Status Window
- Medicaid Window
- Medical/Mental Health Window
- Maintain Case Window
- Part A & B Assessment Window
- Participant Status Window
- Person Management Window
- Rate Setting Window
- Subsidy Window
- Support Services Window
- CP&P Form [5-8a](#), Resource Family Rate Agreement
- CP&P Form [10-5aa](#), Title IV-E Adoption Assistance Eligibility Determination
- CP&P Form [11-10](#), Health Passport and Placement Assessment
- CP&P Form [14-177](#), Family Medical History
- CP&P Form [26-53c](#) Individual and Family Assessment Outline - Adoption Parts A and B (Child Summary)

Other Forms

5-10-2010

- CP&P Form [5-8](#), Resource Family Rate Assessment
- CP&P Form [11-69](#), Medicaid Eligibility File Demographic Changes
- CP&P Form [14-182](#), Application for Subsidized Adoption Payments
- CP&P Form [14-183](#), Determination of Eligibility for Subsidy
- CP&P Form [14-184](#), Initial Agreement Between the New Jersey Division of Child Protection and Permanency and Adoption Parents Regarding Subsidy Payments
- CP&P Form [14-188](#) Annual Notice Regarding Adoption Subsidy

- CP&P Form [14-209](#), Application for Reimbursement for Non-recurring Adoption Expenses in the Adoption of a Special Needs Child
- CP&P Form [14-219](#), Basis for Subsidy Eligibility
- CP&P Form [14-220](#), Request for Adoption Subsidy Approval Memo Checklist
- CP&P Form [14-222](#), Notification of Adoption Subsidy Request Not Approved
- CP&P Form [14-227](#), Notification of the Termination of an Adoption Subsidy